IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 32445 of 2006(K)

PETITIONER:

SMT.MALLIKA THAMPURAN,
W/O.LATE SRI.GIRIJA VALLABHA MENON,
SREE VILASOM PLACE, KOTTAKKAKOM, THRIPUNITHURA.

BY ADV. SRI.S.GOPAKUMARAN NAIR

RESPONDENTS:

1. THE COCHIN DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY,
DEVASWOM BOARD OFFICE, THRIPUNITHURA.

2. THRIPUNITHURA MUNICIPALITY REPRESENTED
BY ITS SECRETARY, MUNCIPAL OFFICE,
THRIPPUNITHURA, COCHIN.

3. THE LAND REVENUE COMMISSIONER,
KERALA STATE, THIRUVANANTHAPURAM.

4. THE DISTRICT COLLECTOR, ERNAKULAM.

5. THE RE-SURVEY SUPERINTENDENT,
THRIPUNITHURA.

6. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, DEPARTMENT OF
LAND AND REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY ADV. SRI.V.M.KURIAN
SRI.K.GOPALAKRISHNA KURUP,SC,COCHIN D.B
GOVERNMENT PLEADER SMT.ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC NO.32445 OF 2006

PETITIONER'S EXHIBITS:

EXT.P1:- TRUE COPY OF LEGAL HEIRSHIP CERTIFICATE DATED 10/5/2005 ISSUED BY TAHSILDAR, KANAYANNUR.

EXT.P2:- TRUE COPY OF DEATH CERTIFICATE ISSUED BY HEALTH INSPECTOR GRI & REGISTRAR OF BIRTHS & DEATHS TRIPUNITHURA MUNICIPALITY DATED 5/2/2005.

EXT.P3:- TRUE COPY OF PARTITION DEED NO.360/1115.

EXT.P4:- TRUE COPIES OF TAX SERIES RECEIPTS 4/2/04.

EXT.P5:- TRUE COPY OF REPRESENTATION OF PETITIONER DATED 1/8/2006 TO THE THIRD RESPONDENT.

EXT.P5a:- TRUE COPY OF REPLY DATED 1/6/2006 OF 5TH RESPONDENT.

[TRUE COPY] PA TO JUDGE

S. SIRI JAGAN, J.

W.P.(C)No. 32445 OF 2006

Dated this the 20th day of June, 2007

J U D G M E N T

Petitioner seeks correction of revenue records in respect of her properties, in so far as in the revenue records, property allegedly belonged to the petitioner has been described as puramboke land. In the Writ Petition, the petitioner seeks the following reliefs:

> "to issue a writ of mandamus directing the 3rd, 4th and 5th respondents to carry out necessary correction in the land revenue records in respect of 27 cents in Sy Nos.936/4 and 937, deleting the entry puramboke and substituting the same with that of the petitioner's late husband, Sri. Girija Vallabha Menon, the rightful owner of the property.
>
> to issue a declaration that the 27 cents of property comprised in Sy Nos.936/4 and 937 of the Nadama Village in the Kanayannur Taluk belongs to Sri. Girija Vallabha Menon, late husband of the petitioner; and
>
> to issue a writ of prohibition or any other order or direction directing the 1st respondent not to construct any building or commit any waste in the petitioner's property of 27 cents comprised in Sy. No.936/1 and 937 of the Nadama Village in Kanayannur Taluk."

2. Learned Counsel for the 1st respondent would submit that the land belongs to the Devaswom and not the petitioner. In the above circumstances, it is evident that there is a genuine dispute regarding title to the property in question. Without resolving that dispute, the revenue records cannot be corrected. That being so, the remedy of the petitioner lies in getting her title declared in a suit or other proceedings, in accordance with law, where the petitioner and respondents can adduce evidence in support of their respective claim for title. Therefore, without prejudice to the right of the petitioner to seek such remedies, this Writ Petition is dismissed.

S.SIRI JAGAN, JUDGE

ma